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Attorney's Docket No. 2475-010578

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	ner for Patents, D.C. 20231					SEP 0 6 2002
Examiner:_		nt Named 'Kristy F	Filing Date: November 13 200 CENT Group Art Unit: 1661			
	herewith is an Small Ent A verified No additio	Amendment in the ity Status is/has be statement to estable nal fee is required. It is been calculated a	e above-ident een asserted i ish small enti	for this application ty status under 37		
Afte	of Claims or endment	Highest No. Previously Paid For	Present Extra	Small Entity Rate	Non-Small Entity Rate	Charge
Total 1 Indep. 1 First Present		$ \frac{20}{3} $ ple Dependent Cla	0 0	x \$ 9.00 x \$ 42.00 + \$140.00	x \$ 18.00 x \$ 84.00 + \$280.00	\$ <u>N/A</u> \$ <u>N/A</u> \$ N/A
	A check in A check in Time. The Commwith this co to Deposit Any addition	the amount of \$ the amount of \$ nissioner is hereby communication to D Account No. 23-06 onal filing fees require application proces	is enclosis enclosis encountered to be posit Accounted 550. An original part of the contract o	TAL ADDITION osed to cover the losed for a r charge payment ont No. 23-0650. nal and two copies 7 CFR 1.16.	AL FEE filing fee. month Petition f of the following Please refund ar	\$ N/A for Extension of fees associated by overpayment
August Date	30, 2002	By	Russell D. (Registration Attorney fo 700 Kopper 436 Seventl Pittsburgh, Telephone: Facsimile:	n No. 25,363 r Applicant rs Building		

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on August 30, 2002.

(Typed name of person depositing mail)

Signature

08/30/02 Date



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#4

Plant Patent Application Serial No. 10/007,711 Confirmation No.: 6307

Attorney Docket No.: 2475-010578

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1661

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In re Application of

:

JAN MAN

BEGONIA PLANT NAMED

'KRISTY FRANJE'

Serial No. 10/007,711

Filed November 13, 2001

Examiner – Kent L. Bell

Pittsburgh, Pennsylvania

August 30, 2002

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SUPPLEMENTAL RESPONSE

Commissioner for Patents Washington, D.C. 20231

Sir:

In further response to the Office Action dated May 3, 2002, Applicant submits the accompanying Declaration and Power of Attorney and additional documents.

SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. 1.135

Copies of the following documents relating to The Netherlands Certificate of Registration No. BGN 0251 are submitted herewith:

- 1) Nederlands Rassenregister Volgnr. Inschrijving 18964 (1p.);
- 2) UPOV Variety description for BGN 251 (3 pp.); and
- 3) Raad Voor Het Kwekersrecht for BGN 251 (3 pp.).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on August 30, 2002.

Name of Person Depositing Mail

Assac

Pamela A.

Signature

08/30/02 Date

{W0015151.1}

REMARKS

A new Declaration and Power of Attorney is submitted herewith which states that the new variety was discovered in a cultivated area. The response to the Requirement For Information Under 37 CFR 1.105 is completed with the enclosed documents relating to The Netherlands Certificate of Registration No. BGN 0251.

Having complied with all the requirements in the Office Action of May 3, 2002, favorable consideration of the claim is requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.

Rν

Russell D. Orkin Registration No. 25,363 Attorney for Applicant 436 Seventh Avenue 700 Koppers Building

Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094

E-mail: webblaw@webblaw.com



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NEDERLANDS RASSENREGISTER - Register van inschrijving

VOLGNR. INSCHRIJVING:

18964

betreft aanvrage d.d. : 21/04/1998

volgnr.: BGN 251

soort aanvrage

: artikel 18.1a, ZPW

gewas

: begonia

voorlopige aanduiding

: Kristy Franje

rasbenaming

: Kristy Franje

datum inschrijving

: 22/12/1999

GEMACHTIGDE BIJ INSCHRIJVING:

Begonia Breeders Association B.V., p/a Middenweg 4, 2161 LR LISSE

RECHTHEBBENDE(N) BIJ INSCHRIJVING:

Begonia Breeders Association B.V., Machineweg 206, 1432 EV AALSMEER

Vastgestelde beschrijving : zie bijgevoegd beschrijvingsblad

MUTATIES

Op 22/02/01 is in het Nederlands rassenregister aangetekend dat de machtiging is overgegaan op: Mr. T. van den Bout, Postbus 50, 2270 AB VOORBURG

05 AUG. 2002

UPOV-S rtenbeschreibung **UPOV-Variety description**

1. Referenznummer der berichtenden Behörde:

BGE 461

Reference number of reporting authority:

2. Referenznummer der beantragenden Behörde:

BGN 251

Reference number of requesting authority:

3. Referenz des Züchters:

Kristy Franje

Breeder's reference:

4. Antragsteller/in (Name und Adresse):

Applicant (name and address):

Begonia Breeders Association B.V. Machineweg 206 1432 EV Aalsmeer

Niederlande

5. Botanische Bezeichnung des Taxons:

Botanical name of taxon:

Begonia x hiemalis Fotsch

6. Landesübliche Bezeichnung des Taxons:

Common name of taxon:

Elatior-Begonie

7. Sortenbezeichnung:

Variety denomination:

8. Datum und Dokumentennummer der

UPOV-Prüfungsrichtlinie:

1986-11-21 TG/18/4

Date and document number of UPOV Test Guidelines:

9. Datum und/oder Dokumentennummer der nationalen Prüfungsrichtlinie:

Date and/or document number of national Test Guidelines:

10. Prüfende Behörde:

Testing authority:

Bundessortenamt

11. Prüfungsstation(en) und -ort(e):

Testing station(s) and place(s):

Prüfstelle Hannover

12. Prüfungsperiode:

Period of testing:

1999

13. Ausstellungsdatum und -ort des Dokuments:

Date and place of issue of document:

16.08.1999 - Hannover

gelandzooi

0 5 AUG. 2002

THE SECRETARY

14. Gruppe: (wenn Merkmale d r Nummer 15 für di Gruppierung verwendet werden, sind si in der Nummer mit einem G g kennzeichnet)

Group: (if ch

(if characteristics of number 15 are used for grouping they are marked with a G in that number)

15. In den UPOV-Prüfungsrichtlini n der den national n Prüfungsrichtlinien aufgeführte M rkmale: Characteristics included in the UPOV Test Guidelines or nati nal Test Guidelines:

UPOV Nr. No.	Merkmale Characteristics	Ausprägungsstufen State of Expression	Note	Bemerkungen Remarks
1		niedrig bis mittel short to medium	4	
2	Pflanze: Breite (einschließlich Blüten) Plant: width (including flowers)	mittel medium	5	
3	Pflanze: Anzahl Grundtriebe Plant: number of basal shoots	gering few	3	
4	Pflanze: Anzahl Verzweigungen der Grund- triebe Plant: number of branches on basal shoots	groß many	7	
5	Trieb: Dicke des Internodiums unterhalb des ersten Blütenstandes Stem: thickness of internode below first inflorescence	mittel bis dick medium to thick	6	
6	Blattspreite: Länge der Mittelrippe Leaf blade: length of midrib	kurz bis mittel short to medium	4	
7	Blattspreite: Breite Leaf blade: width	mittel medium	5	
8	Blattspreite: Farbe der Oberseite Leaf blade: color of upper side	dunkelgrûn dark green	. 3	
9	Blattspreite: Farbe der Unterseite Leaf blade: color of lower side	r ötilchgrün reddish green	4	
10	Blattspreite: Glanz der Unterseite Leaf blade: glossiness of lower side	stark strong	7	
11	Blattspreite: Basis Leaf blade: base	geschlossen bis gering überlappend closed to slightly overlapping	6	
12	Blattspreite: Form der Spitze Leaf blade: shape of apex	spitz acute	1	
13	Blattspreite: Breite der Spitze Leaf blade: width of apex	mittel medium	5	
14	Blattspreite: Art der Randeinschnitte Leaf blade: type of incisions of margin	doppelt gesägt bi-serrate	2	
15	Blattspreite: Tiefe der Randeinschnitte Leaf blade: depth of incisions of margin	sehr flach bis flach very shallow to shallow	2	
16	Blattspreite: Randwellung Leaf blade: undulation of margin	gering weak	3	
17	Biūtenstand: Dichte inflorescence: density	dicht dense	7	•
18	Hochblatt: Größe Bract: size	sehr kiein bis kiein very smail to smail	2	
19	Hochblatt: Farbe Bract: color	grün grøen	1	
20	Hochblatt: Spitze Bract: apex	spitz acute	1	JET KWE
21	Blüte: Durchmesser Flower: diameter	klein small	3/0	Trip
G 22	Blüte: Typ Flower: type	gefüllt double		
23	Biûte: Anzahi Biûtenblätter Flower: number of petals	mittel medium	Age :	C. Welandz
24	Blüte: Änd rung der Blütenblattgröße Flower: change in petal size	gi ichmäßig gradual	1	05 AUG. 2002

Certified CARTA

UPOV	Merkmal Characteristics	Ausprägungsstufen State of Expression	N te	Bemerkungen
	Äußeres Blütenblatt: Farbe des Randes der Oberseite Outer petal: color of margin of upper side	orangerosa orange-pink	RHS 029D	Remarks
26	Äußeres Blütenblatt: Farbe der Mitte der Oberseite Outer petal: color of middle of upper side	heilrotrosa light red-pink	RHS 049C	
27	Äußeres Blütenblatt: Farbe der Mitte der Unterseite Outer petal: color of middle of lower side	helirotrosa light red-pink	RHS 036D	grūnilch greenish
28	Inneres Blütenblatt: Farbe des Randes der Oberseite Inner petal: color of margin of upper side	hellrotrosa light red-pink	RHS 049C	
G 29	Inneres Blütenblatt: Farbe der Mitte der Oberseite Inner petal: color of middle of upper side	rotrosa red-pink	RHS 048D	
30	Inneres Blütenblatt: Farbe der Mitte der Unterseite Inner petal: color of middle of lower side	helirotrosa light red-pink	RHS 049C	
31	Blüte: Einschnitte des Blütenblattes Flower: incisions of petal	vorhanden present	9	
32	Blüte: Wellung des Blütenblattes Flower: undulation of petal	fehlend absent	1	
33	Blüte: Antherenfarbe bei Blühbeginn Flower: color of anthers at beginning of flowering	•	• ,	nicht anwendbar not applicable
34	Blüte: Antherenfarbe bei Abblüte Flower: color of anthers at the end of flowering	-	-	nicht anwendbar not applicable
35	Zeitpunkt des Blühbeginns nach Kurztagbe- handlung Time of beginning of flowering after shortday treatment	frûh bis mittel early to medium	4	
36	Zeitpunkt des Blühbeginns im natürlichen Langtag Time of beginning of flowering under natural long days	mittel medium	.	,

16. Ähnliche Sorten und Unterschiede zu diesen Sorten: -Similar varieties and differences in relation to those varieties:

17. Zusätzliche informationen:

Additional information:

a) Zusätzliche Daten: Additional data:

b) Bemerkungen: Remarks: Das Merkmal 23 ist nur anwendbar bei Sorten mit gefüllten Blüten. Die Merkmale 33 und 34 sind nur anwendbar bei Sorten mit einfachen Blüten mit sichtbaren Antheren.

Characteristic 23 is applicable to varieties with double flowers only. Characteristics 33 and 34 are applicable to varieties with single flowers and visible anthers.

RHS: Royal Horticultural Society Colour Chart, 1986

lm Auftrag By order

Dr. Menne

₩ageningen.

RAAD VOOR I adres: Nudestraat 15 Wa	HET KWEKERSRE	Uin	UITSLUITEND VOOR DE RAAD			
correspondentieadres:	<u> </u>	vraagnr. :	BUTN 25	<u> </u>		
telefoon: 0317 419031	telefax: 0317 425867	361	form		0 APR. 1998 *0 9	<u> </u>
postgiro: 198113 rabobank: 3970.01.258			f		2 1 APR. 1998 +2 4 2 1 APR. 1998 +2 4	
AANVRAAG TOT	VERLENING VAN K	NEKER	SRECHT (2	2 exemplaren i	nzenden)	
1. AANVRAGER(S) Begonia Breeders Postbus 88 1430 AB Aalsmee Dhr. W. v.d. Merbe Telnr: 0297-32727 Faxnr: 0297-3401 Nationaliteit: NL 3. GEWAS (Latijnse en Ne Begonia Elatior	(naam,adres met postcode. tel.nr Association B.V. er el (secretaris) 4 19		2. CORRESPONDENTIEADRES (indien ander dan onder 1) Begonia Breeders Association B.V. p/a Middenweg 4 2161 L.R. Lisse Dhr. R.P. Man Tel: 0252-219015 Fax: 0252-218073 dit is het adres: [] van èèn van de aanvragers [X] van de gemachtigde (volmachtformulier bijgevoegd) [] voor dienstcorrespondentie 4. VOORLOPIGE AANDUIDING: RASBENAMING : Kristy Franje (form.AR55X2 meezenden)			
b. Het ras is gekweekt i	ndien ander dan onder 1): n land(en): NEDERLAND		[] door overed [] door succe	ar de aanvrager(: enkomst tot eigend ssie (copie akte bi wijze (te specificer	domsoverdracht (copie bijge idesloten)	slaten)
6. Eerdere aanvragen voor dit ras in het buitenland	voor outras in het		agnummer	stadium	Tashenaning of voorle	ipige
voor kwekersrecht voor de officiële rassenlijst				OO DAMP	MAGENTONIIIG	Vigelandzoo
	naakt op het recht van voorrang onder aanvraagnr uitstel onderzoek gewenst is dit	••	ор	joedwet) op gron (datum):	THE SECRE	
8. a. Het ras is in Nederlam [x] niet te koop aanget [] voor de eerste keer op datum onder de benaming:	b. Het ras is in het buitenland [x] niet te koop aangeboden of verhandeld [] voor de eerste keer te koop aangeboden of verhandeld op datum onder de benaming:					
Hierbij wordt machtiging nodige inlichtingen uit te	gegeven aan de Raad voor het wisselen, die betrekking hebbe	Kwekersred n op het ras	h4		tie in een ander UPOV-lan	d alle
Bijgevoegde formulieren (x) technische vragenlijst (x) volmachtformulier			hriften [] andere			
lk verzoek hierbij kwekersre van de aanvraag en die op d	cht te verlenen. Ik verklaar hiert lit formulier en in de bijlagen zijr	oij, dat voor gegeven,	zover mij beker volledig zijn en i	nd, de inlichtinge naar waarheid zij	n die nodig zijn voor het o	nderzoek
Plaats/datum: Lisse, 14-4-		/ / ///	gemachtigde: P.P. Ma	_		

RAAD VOOR HET KWEKERSRECHT

AR1

RAAD VOOR HET KWEKERSRECHT

To be returned in duplicate

Not to be filled in

Reference nr. BGN 251

TECHNICAL QUESTIONNAIRE to be completed in connection with an application for plantbreeder's rights

Application date: 2 1 APR. 1998 *2 400

290787

				290787
ī	Species	Begonia Elatior hybrids (syn.: F	Begonia x hiemalis Fotsc	h.)
	-	ELATIOR BEGONIA		(DE)
2.	Applicant(s) (name	me, address, telephone, telex)	· · · · · · · · · · · · · · · · · · ·	
	BEGONIA BRE	EEDERS ASSOCIATION B.V.	TEL.: 0252-2	19015
	P/A MIDDENW	∕EG 4	FAX: 0252 2	18090
	2161 LR LISSE	HOLLAND	,	
3.	Breeder's referen	ıce		
	KRISTY FRAN	JE .		
4.	Information on o	origin, maintenance and reproducti	on of the variety	
4. 1	Origin			
	i) Seedling (ind	icate parent varieties)		()
	ii) Mutation (inc	licate parent variety) from Netja I	Franje	(X)
	iii) Discovery (in	dicate where and when)		()
4.2	2 Other informati	on		•
5.		the variety to be given (the number the UPOV test guideline TG/18/4;		
		ne case where for one characteristic		
		if date are available; otherwise con		HET KWEY
	Characteristics	•	Example Varieties	N/S
_				

5.1 Leaf blade: color of upper side light green (8) medium green Aphrodite, Baluga dark green Connie, Obiant reddish green 5 reddish brown Hokaido, Krefeld 5.2 Leaf blade: color of lower side light green Schwabenland 2 (9) medium green Stromboli 3 Kolita dark green reddish green Krefeld reddish brown Ohina

05 AUG. 2002

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BGN		_		
Characteristics		Example Varieti	es Note	
5.3 Flower: type (22)		single double	1 ②	
5.4 (i) Inner petal: color of (29) middle of upper side	RHS Colour Ch	art (indicate reference 048D	number)	
5.4 (ii) Inner petal: color of middle of upper side	white yellow orange pink orange red the pink blue red	1 2 3 4 5 6 7		
6. Similar varieties and differen	ences from these van	eties		
Variety Netja Franje LOUISE	Differe Flower si			
7. Additional information whic	h may help to disting	guish the variety		
7.1 Resistance to pests and dise high tolerance to mildew	ases			
7.2 Special conditions for the ex	amination of the			

Signature,

R.P. Man

7.3 Other information

14-4-98

Date,